

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

June 23, 2004

BOARD PRESENT:

Cynthia A. Herman, Chairman
Gary L. Daniels, Vice-Chairman
Noreen A. O'Connell, Member
Leonard D. Mannino, Member
Lawrence D. Pickett, Member

STAFF:

Katherine E.L. Chambers, Town Administrator
Fred Douglas, Police Chief (for 5:00 p.m. Non-Public Session)
John Winterburn, Police Captain (for 5:00 p.m. Non-Public Session)
Rich Pauley, Fire Chief (for 5:00 p.m. Non-Public Session)
Ruth Bolduc, Human Resources Director (for Budget Work Session)
Larry Anderson, Water/Wastewater Superintendent (for Public forum)

BUDGET ADVISORY COMMITTEE:

Chairman Therese Oriani-Muller (for Budget Work Session)
Donald Caisse (for Budget Work Session)
Didi Carter (for Budget Work Session)
Joseph Stella (for Budget Work Session)
Bill Fitzpatrick (for Budget Work Session)

PUBLIC FORUM ATTENDEES:

Merv Newton, Water/Sewer District Study Committee member
Dave Quigley, Water/Sewer District Study Committee member
Judy Plant, Water/Sewer District Study Committee member
Karen White, Town of Bedford Planning Director
Bob Courage, citizen
Dave Brooks, journalist
Brian McCarthy, Nashua Alderman

- 5:00 p.m. - Non-Public Session – Personnel. Vice-Chairman Daniels motioned to enter into non-public session for the purpose of discussing personnel issues at 5:02 p.m. Selectman O'Connell seconded. All members were polled individually and assented to go into non-public session. After discussion, Vice-Chairman Daniels motioned to come out of non-public session at 5:53 p.m. Selectman O'Connell seconded. All were in favor. No announcements were made.

- 6:00 p.m. - Budget Work Session. Town Administrator Chambers distributed the "2005 Wage & Benefits Projections" document prepared by Finance Director Rose Evans. Chairman Herman shared various statistics on county labor contracts settling in fiscal year 2005 budget which represented significant savings for the county. Town Administrator Chambers reviewed the "2005 Wage & Benefits Projections" document and stated the goal of the evening was to determine any changes in wages and or benefits for the 2005 budget. She explained how that factors into arriving at an overall percentage increase the Board and Budget Advisory Committee would be comfortable presenting to the public. Vice-Chairman Daniels indicated he did not like starting with the default budget as a base, he indicated his preference was to start with a zero base budget with every line item starting at zero and building up from there. General discussion followed. Budget Committee member Bill Fitzpatrick offered that a 1% attrition rate was way to low, and indicated it meant the Town was carrying under-performing employees and lowering other employees drive. Town Administrator Chambers distributed the default budget and vehicle replacement policy and discussion, questions, and comments followed. Budget Committee Chairman Therese Oriani-Muller recommended removing the replacement items from the default budget. Selectman Pickett made a motion to remove the replacement items from the default budget. Vice-Chairman Daniels seconded. All were in favor. Vice-Chairman Daniels motioned to remove the increase in maintenance for the MUNIS Software support the Planning and Building Department with the understanding it could be revisited at a later date if it were purchased. Selectman

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Mannino seconded. All were in favor. Vice-Chairman Daniels motioned to remove \$10,000 from the Stormwater management line item. Selectman Pickett seconded. All were in favor.

- 7:00 p.m. – Public Forum on Merrimack Regional Water District. It was noted the Milford Board of Selectmen's press release which outlined what the district is and noted the pro's and con's of joining the district was not published in the Milford Cabinet, Nashua Telegraph, or the Union Leader.

Chairman Herman gave a brief overview. Dave Quigley, Water/Sewer District Study Committee member, asked if the Board had taken a position on joining the Merrimack Regional Water District? Chairman Herman answered no, and added the Board would spend the year talking with citizens to discover what their opinions and wishes were before forming an opinion. Mr. Quigley followed up by asking what the Board members personal opinions as individual voters were. Vice-Chairman Daniels suggested Mr. Quigley refer to the press release. Chairman Herman stated she was not comfortable stating a position at this time which might sway someone not yet familiar with the details.

Chairman Herman reviewed the information contained in the press release answering questions from the audience as they were raised. Merv Newton, Water/Sewer District Study Committee member, noted the Charter indicates the municipality controls only what it owns and controls within its borders. He stated he felt the Charter did not protect the Curtis Wells. Additionally, he noted the Charter does not protect anything in Milford that is not owned by the Town. He added the Regional District could buy Savage Well once it's cleaned up. Karen White, Town of Bedford Planning Director disagreed. She indicated the intention of the water resource plan was to identify what resources existed. She pointed out that anyone could buy the Savage Well, if it's for sale, such as USA Springs, Manchester Water Works, or anyone. Chairman Herman noted Pennichuck Water Works had always been respectful of the Town of Milford's interests and efforts regarding it's water utility. Selectman O'Connell noted the Town has a letter of agreement from Hitchiner Manufacturing, Inc., which will allow the Town to offer to purchase the Savage Well as of a certain date in the future and lays out Hitchiner's response procedure. Mr. Newton suggested inserting the Board's press release in the water bills or mailing it directly to the citizens. Town Administrator Chambers responded that water bills could not accommodate any additional information. He noted the press release should include that the Regional District's allocation plan could restrict Milford's water and the Town's growth. He also suggested including in the press release the lack of protection to non-Town owned water sources within Milford and a lack of protection of the Curtis Wells. Mr. Quigley stated his major concern with belonging to the Regional Water District was that Milford did not have the right within it's own regional boundaries to develop new water sources without the permission of the Regional District. Brian McCarthy, Nashua Alderman, clarified that the only resource restriction is on the District's own assets. He noted there was no way the Regional District could stop the Town of Milford from developing new water resources. He also pointed out that if the Regional District were to purchase the Savage Well, it would still need to pipe it through Milford's right-of-ways, which would put a huge amount of control in the Town's hands. Ms. White pointed out that recent case law establishes that the State and the State alone controls the water under the ground. Mr. Newton noted there are instances in other states where community resources have been restricted and their growth limited as a consequence. He added the States in-stream flow study might have a similar result.

Chairman Herman stated she felt long-term planning in favor of a more regionalized, bigger-picture approach. She added clean water in sufficient water is a big-picture issue. However, we may want to look at regionalizing to the west rather than the east. Mr. Quigley suggested getting information about the Hadley, Massachusetts's circumstances. Bob Courage, citizen, asked who the 148 (Pennichuck) customers were – Ashley Commons, Badger Hill, and Great Brook? Chairman Herman confirmed those were the Pennichuck customers currently. He stated Milford has two wells, which more often than not do not supply enough water to the Town. If anything happens to those wells, we have a back up in our Pennichuck agreement. Will the Regional District have a back up? Mr. Courage stated he felt Milford should not be in the water business, it's too risky and expensive for a municipality to operate. He indicated he felt the Town should sell the Milford water system and become customers of the buyer. Mr. McCarthy indicated if Pennichuck were not backed by the Regional Water District condemnation, the company would be sold. It would be sold to a company most likely to be less sensitive to local needs.

Ms. White, a Milford resident and water user, with a strong allegiance to Pennichuck and it's long-time management is an advocate of the Regional Water District because she has seen Pennichuck bring in new top management and board of directors, pushing out or reutilizing the long-time management. She felt Pennichuck would not go in a

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positive direction if left to it's own devices. She would like to see Pennichuck's long-term management installed as the managers of the Regional Water District.

Selectman Mannino asked how Nashua's controlling influence over the Regional Water District was different than Pennichuck's control over their systems now? Alderman McCarthy responded that there was a compromise between Nashua and the other municipalities in arriving at the terms of the Regional Water District Charter; no one got everything they wanted.

Mr. Courage asked if Milford did not join the Regional District, would the contract be honored? Chairman Herman replied by saying the Town had filed a petition with the Public Utilities Commission (PUC) requesting that Milford's contract be honored as a condition of the PUC's approval of the condemnation of Pennichuck, should that be the PUC's decision. Mr. Courage indicated he felt joining the Regional District has merit, no question about it.

Mr. Quigley observed the rates between towns in the Regional District would be the same; Milford users would not be discriminated against. He noted that what he did not understand was why Milford would ever want to suggest giving up its water system resources, as Mr. Courage has suggested would be best.

Chairman Herman then assured those present at the meeting that the Board would continue its efforts to educate the public on this important decision.

Mr. Quigley thanked the Board for staying on top of the process. Chairman Herman acknowledged the time and effort all Board members had put into the process.

- Non-Public Session – Personnel. Vice-Chairman Daniels motioned to enter into non-public session for the purpose of discussing a personnel issue at 9:42 p.m. Selectman O'Connell seconded. All members were polled individually and assented to go into non-public session. After discussion, Selectman O'Connell motioned to come out of non-public session at 11:30 p.m. Vice-Chairman Daniels seconded. All were in favor. At that time, it was announced that in the Non-Public Session the Board voted 3 to 2, with Chairman Herman, Vice-Chairman Daniels, and Selectman O'Connell voting in favor to support Police Officer Steve Toom's promotion to Sergeant, with Selectman Mannino and Selectman Pickett voting against the motion.

-Next BOS Meeting. The next regular meeting of the Board of Selectmen will be June 28, 2004.

There being no further business to come before this Meeting, the Board adjourned at 11:30 p.m.

Chairman

Vice-Chairman
